

REMARKS/ARGUMENTS

Applicants acknowledge receipt of the above-identified Office Action and respectfully traverse the Office Action in its entirety. Claims 1-41 were previously canceled, and claims 42-81 were previously presented. Claims 42 and 62 are amended herein.

Rejections under 35 U.S.C. §102

Applicant thanks the Examiner for granting a telephonic interview with Applicants representatives James Goepel and James DeCarlo on March 10, 2008. As recited in the Interview Summary prepared by the Examiner, distinctions between Applicant's invention and Nawaz were discussed in the interview.

Claims 42-43, 45-46, 60-63, 65-66, and 80-81 are rejected under 35 U.S.C. §102(b) as being anticipated by Nawaz, U.S. Patent No. 5,959,621. Applicant respectfully traverses. It should be noted that the arguments presented herein are based on the interpretation of the Examiner's arguments in view of U.S. Patent No. 5,959,621, and not 6,272,493 as recited on page 2 of the Office Action. Applicant respectfully reserves the right to withdraw and/or amend the arguments made herein in the event the basis for the Examiner's arguments is subsequently changed.

Independent claims 42 and 62 have been amended such that they are directed to a dynamic layer displayed within a web page, the web page being displayed in a browser, the web page also displaying additional information (see paragraphs [0040]-[0041] of the instant application). The dynamic layer comprises an item display area and a summary display area, the dynamic layer capable of dynamically updating the information displayed in the item display area based on a selected summary in the summary display area, the item display area being updated without retrieving additional information from a server. The fact that the item display area is updated without retrieving additional information from a server provides a more enjoyable browsing experience because, at least in part, by way of non-limiting example, the user is not frustrated by having to wait for data to be obtained from a server.

Unlike the elements recited in Applicants' claims, Nawaz discloses a viewer which displays only specific information, and does not provide a user interface implemented as part of a web page displayed by a web browser. Although Nawaz does disclose that the information displayed by the viewer comprises HTML or hypertext data, the viewer does not provide the

functionality associated with a traditional browser, nor does the viewer permit display of additional information.

Still further, Nawaz discloses a scrolling ticker (see Fig. 3, item 140, and column 8, lines 14-19 and lines 33-53) of data items (see data items 150, 152, 154, and 156 of Fig. 3, and the description thereof at column 8, lines 16-21, and column 9, lines 25-28), wherein data items presented in the ticker can comprise a hyperlink through which the user can obtain additional information about the item (see column 9, lines 20-24). Nawaz states that "...the data items displayed may include hyperlinks for retrieving and displaying documents related to the data item. For example, selecting data item 152 may provide more information about the New York vs. Baltimore game." (column 9, lines 20-24, emphasis added). That is, if the user wishes to obtain information about the New York vs. Baltimore game, the user must wait for the system to retrieve the information from a server before the information can be displayed.

The Office Action asserts that Fig. 19, item 340 discloses that the documents are periodically retrieved, and that therefore updates from the server only occur at certain times. Applicants respectfully request reconsideration of the Examiner's reliance on Fig. 19, as Fig. 19 is not described in the specification, nor is there a full description of Fig. 10, upon which Fig. 19 is purportedly based. It is respectfully submitted that the figure alone, with no detailed description, does not in any way provide sufficient disclosure to teach or suggest the claimed features against which the reference is applied. However, even if Nawaz discloses periodically refreshing the contents of the ticker from a server (a point not conceded), as described above Nawaz does not disclose updating an item display area to reflect a selected summary in a summary display area, the item display area being updated without obtaining additional data from the server.

Nawaz neither teaches nor suggests Applicants' claimed dynamic layer. It is well established that, for a reference to anticipate a claimed invention, all elements of the claimed invention must be present in the reference. Applicants respectfully assert that based on the above, Nawaz does not teach or suggest all elements of Applicants' claimed invention, and Applicants respectfully request that the Examiner withdraw the rejection under 35 USC §102, and further submit that for the same reasons presented above Nawaz cannot form the basis of a proper rejection under 35 USC §103 .

Claims 43-61 depend from claim 42, and claims 63-81 depend from claim 62. As dependent claims, these claims incorporate all of the limitations of the claims from which they depend. Applicants respectfully assert that these dependent claims are, therefore, patentable for at least the reasons stated above with respect to the claims from which they depend, and Applicants respectfully request that the Examiner withdraw the rejection as to these claims as well.

In rejecting claims 43 and 63, the Office Action states that Nawaz teaches the dynamic content user interface of claim 42, and further teaches a new one of the plurality of entries in the summary display being automatically selected after a predetermined period of time. Applicants respectfully traverse. As described above, and assuming that the Examiner is equating the claimed summary display with the Nawaz scrolling ticker (a point not conceded), Nawaz discloses a scrolling ticker. (Column 8, lines 33-46). Nawaz does not teach or suggest selecting an entry from this scrolling ticker after a predetermined time has elapsed, nor does Nawaz teach or suggest the resulting display changes in the dynamic layer that would be necessitated thereby as recited in Applicants' claim. Further, the arguments presented above in connection with claim 42 are equally applicable here, and reference to those arguments is incorporated herein. Applicants therefore respectfully request that the Examiner withdraw this rejection based on Nawaz.

In rejecting claims 45 and 65, the Office Action states that Nawaz teaches the dynamic content user interface of claim 42, and further teaches the dynamic content user interface iterating through the entries in the summary display area. Applicants respectfully traverse. Nawaz discloses a ticker which scrolls a plurality of data items through a display area. (Column 8, lines 33-46). Nawaz does not teach or suggest iteratively selecting the entries in a summary display area, nor does Nawaz teach or suggest the resulting display changes in the dynamic layer that would be necessitated thereby, as recited in Applicants' claim. Further, the arguments presented above in connection with claim 42 are equally applicable here, and reference to those arguments is incorporated herein. Applicants therefore respectfully request that the Examiner withdraw this rejection.

In rejecting claim 60, the Office Action states that Nawaz teaches the dynamic content user interface of claim 42, and further teaches the interface comprising a visual cue, the visual cue being associated with the currently selected entry in the plurality of entries. The Examiner

bases the rejection on Figure 10, items 164 and 162. Applicants respectfully traverse, and request reconsideration of, the Examiner's reliance on Figure 10, as there is no description of Figure 10, nor most of the contents thereof, in the specification. It is respectfully submitted that the figure alone, with no detailed description, does not in any way provide sufficient disclosure to teach or suggest the claimed features against which the reference is applied. Further, the arguments presented above in connection with claim 42 are equally applicable here, and reference to those arguments is incorporated herein. Applicants therefore respectfully request that the Examiner withdraw this rejection.

Rejections under 35 U.S.C. §103

Claims 44 and 64 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nawaz in view of Seet, U.S. Patent Application Publication No. 2004/062760. Applicants respectfully traverse. The arguments presented above with respect to Nawaz are applicable here as well, and Seet does not provide the claim elements missing from Nawaz as set forth above. Accordingly, since all claim elements are not taught by the proposed combination, said combination cannot form the basis of a proper 35 USC §103 rejection, and withdrawal of same is respectfully requested.

Claims 47-59 and 67-79 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nawaz in view of Walker, U.S. Patent Application Publication No. 2002/0113812. Applicants respectfully traverse. The arguments presented above with respect to Nawaz are applicable here as well, and Walker does not provide the claim elements missing from Nawaz as set forth above. Accordingly, since all claim elements are not taught by the proposed combination, said combination cannot form the basis of a proper 35 USC §103 rejection, and withdrawal of same is respectfully requested.

CONCLUSION

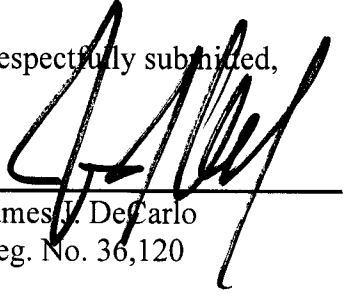
Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that the currently pending claims are in condition for allowance and Notice to that effect is respectfully solicited. Additional characteristics or arguments may exist that distinguish the claims over the prior art cited by the Examiner, and Applicants respectfully preserve their right to present these in the future, should they be necessary. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is courteously requested to contact applicant's undersigned representative.

CONCLUSION

The applicant's attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,



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Date: April 23, 2008

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